

SENATE BILL 392

By Southerland

AN ACT to amend Tennessee Code Annotated, Title 39;
Title 40; Title 53 and Title 63, relative to
possession of drugs with intent to sell.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 4, is amended by adding the following language as a new section:

(a) It is an offense for a person to import into this state a controlled substance, an imitation controlled substance, a controlled substance analogue or any synthetic equivalent of the aforementioned with the intent to sell in violation of title 39, chapter 17, § 53-10-104 or title 63, chapter 10.

(b) A violation under this section is a Class D felony.

(c) Nothing in this section shall be construed to prohibit prosecution and conviction for any other applicable criminal offense.

(d) In addition to the exception provided by § 39-17-427, it is an exception to this section if the person who possessed the substances described in subsection (a) was a wholesale drug distributor, a manufacturer of drug products or an agent of either, licensed by the board of pharmacy, and such person was making a delivery to a pharmacy or pharmacist licensed by the board of pharmacy, a licensed health care professional, a licensed health care facility or a person who has been issued a valid prescription for the substance that was being delivered.

SECTION 2. This act shall take effect July 1, 2013, the public welfare requiring it, and shall apply to prohibited acts occurring on or after the effective date of this act.